

REMARKS

Reconsideration and allowance in view of the following remarks are respectfully requested.

Rejection of Claims 1, 5, 10, 14 and 18 Under 35 U.S.C. §112

The Office Action rejects claims 1, 5, 10, 14 and 18 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse this rejection and submit that claims 1, 5, 10, 14 and 18 do comply with the written description requirement. Applicants added by way of amendment the limitation “wherein the new focused node is different from the current focus node”. This Office Action objects and asserts that this feature is not described in the specification as originally filed on 1/22/2004. The Office Action says that the specification in paragraph [0034] does not provide any “restriction as to whether the focus node is different but rather the allocation of the focus node is different but rather the allocation of the lowest common ancestor node.”

Applicants respectfully traverse this analysis and note that paragraph [0034] discusses Figure 2C and at least two cases illustrate the concept where the new focus node is different from the current focus node. First, stepping through Figure 2C, the first focus node is the tax info node 208. See paragraph [0034], lines 4-5. After setting the current focus node to node 208 in Figure 2C, the system prompts the user with a question and receives a user response at step 304. Based on the user utterance, the method establishes two lit nodes 230 and 240 for tax shelter information. If the answer to step 308 is “no”, then step 312 finds the lowest common ancestor node of all lit nodes and sets as the focus. The question at step 308 is to determine whether there is a single direct descendant of the focus node that is lit. This is similar to step (c) in claim 1. In other words, step (c) determines “if there is a plurality of direct descendents of the current focus node that are lit.” Thus, step 312 involves finding the lowest common ancestor node of all lit

nodes and sets it as the focus. Applicants note that the new focus node that is taught in paragraph [0034] in this scenario is the business node 216. Clearly, the business node 216 differs from the tax information node 208. Therefore, Applicants are somewhat confused at this rejection inasmuch as Figure 2C and paragraph [0034] clearly teach the concept of assigning a lowest common ancestor node of all lit nodes as a new focus node and wherein the new focus node (216) is different from the current focus node (208). Therefore, Applicants respectfully submit that there is sufficient support in the specification and although the specification does not “restrict” that the focus node be different, Applicants submit that it does not have to explicitly require it to be different to provide sufficient disclosure that reasonably conveys to one of relevant skill in the art that we had possession of the claimed invention. The Office Action takes a much more restrictive position than is required by §112. Clearly, since this new focus node is different than the current focus node, Applicants respectfully submit that we easily have sufficient support for this claim limitation.

Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. §112 rejection.

Rejection of Claims 1-4 and 14-21 Under 35 U.S.C. §103(a)

The Office Action rejects claims 1-4 and 14-21 under 35 U.S.C. §103(a) as being unpatentable over Chinn et al. (U.S. Patent Publication No. 2003/0115289) (“Chinn et al.”) in view of Fratkina (U.S. Patent Publication No. 2001/0049688) (“Fratkina”) in view of Norton et al. (U.S. Patent No. 6,510,411) (“Norton et al.”). Applicants respectfully traverse this analysis and note that this analysis avoids our previous arguments with regards to the limitation of the new focus node being different from the current focus node. Inasmuch as it is clear that the Office Action relies upon the success of the §112 rejection to eliminate the added limitation and our previous arguments, Applicants have nothing to add at this point other than to respectfully request consideration of our amendments and arguments relative to the teachings of Chinn et al.,

Fratkina and Norton et al. Applicants in other words submit that inasmuch as page 5 of the Office Action requires the root node to become the focus node in the reference, citing Figure 2, paragraphs [0100] and [0057], Applicants submit that this analysis fails to address in any way the limitation that was the focus of our previous Office Action.


Applicants also respectfully request clarification of the §103 rejection inasmuch as cited in the first paragraph of Section 9 are Chinn et al., Fratkina and Norton et al. However, the next paragraph on page 4 of the Office Action discusses “Young et al.” Applicants respectfully request clarification of the prior art that is cited to rejection the claims.

Applicants respectfully submit that claims 1-21 are patentable in view of the entry and appropriateness of our previous amendments and our previous arguments and respectfully request a Notice of Allowance.

CONCLUSION

Having addressed all rejections and objections, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited. If necessary, the Commissioner for Patents is authorized to charge or credit the **Novak, Druce & Quigg, LLP, Account No. 14-1437** for any deficiency or overpayment.

Respectfully submitted,

By:  _____

Date: November 24, 2008

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